

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher E. Pearce et al.
Serial No.: 09/579,348
Filing Date: May 25, 2000
Examiner: Hanh N. Nguyen
Art Unit: 2668
Confirmation No.: 7459
Title: SYSTEM AND METHOD FOR DEVICE
REGISTRATION REPLICATION IN A
COMMUNICATION NETWORK

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**NON-FEE PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW
HOLDING OF ABANDONMENT AND RE-MAIL NONFINAL OFFICE ACTION**

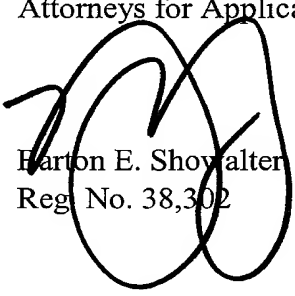
This petition is filed in response to notification by the U.S. Patent and Trademark Office that the above-referenced patent application has been abandoned for failure to file a timely and proper reply to the nonfinal Office Action mailed August 13, 2004 which set a three month period for reply. This Petition under 37 C.F.R. § 1.181 is to request that the holding of abandonment be withdrawn. As indicated in the attached statement of facts, Applicants never received the nonfinal Office Action, and therefore, did not respond by the due date of November 13, 2004. Accordingly, the holding of abandonment is improper pursuant to M.P.E.P. § 711.03(c)II. The required showing to establish nonreceipt pursuant to M.P.E.P. § 711.03(c)II is provided in the following documents:

1. Counsel's Statement of Facts in Support of Petition to Withdraw Holding of Abandonment.

2. Copy of Notice of Abandonment mailed on March 21, 2006.
3. Copy of the File History Wrapper for Serial No. 09/579,348.
4. Copy of the docket record where the nonreceived nonfinal Office Action would have been entered had it been received and docketed.

As the abandonment of this case was through no fault of Applicant, it is respectfully requested that a new nonfinal Office Action be mailed and the date for response to be three months from the mail date of the new nonfinal Office Action, pursuant to M.P.E.P. §711.03(c)II. It is not believed that any fees are due. However, if it is determined that a petition fee or any additional fees are due, please charge these fees to Baker Botts L.L.P. Deposit Account No. 02-0384.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants


Barton E. Shoyalter
Reg. No. 38,302

Date: April 12, 2006

CORRESPONDENCE ADDRESS:
CUSTOMER NO. 05073

TAB 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Christopher E. Pearce et al.
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Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313.1450

Dear Sir:

**COUNSEL'S STATEMENT OF FACTS IN SUPPORT OF PETITION
TO WITHDRAW HOLDING OF ABANDONMENT**

I am a patent attorney employed with Baker Botts L.L.P. I am listed as an attorney of record for the above-identified pending U.S. patent application entitled *System and Method for Device Registration Replication in a Communication Network* filed on May 25, 2000, Application No. 09/579,348. My residence is Dallas, Texas, and my place of employment is Dallas, Texas, and were so at all times relevant to the Statement of Facts. The following facts relate to the subject application.

1. All mail from the PTO is received in the Baker Botts mailroom and routed to the IP mail clerk. She opens and date-stamps all mail, and forwards office actions received from the PTO to the paralegal assigned to the case. She does not record a log of such received mail and therefore no such log is provided pursuant to MPEP § 711.03(c)II.


2. It is then the responsibility of the paralegal to docket office actions received from the PTO. When an office action is received, the response due date is docketed along with any other papers due.

3. According to the file history wrapper for this application maintained by Baker Botts (Tab 3), the nonfinal office action has not been docketed and there is no due date for the response to the nonfinal office action. Also attached is a copy of the docket record where the nonreceived nonfinal office action would have been entered had it been received and docketed (Tab 4). Tab 4 has been redacted to preserve client confidences. These documents indicate that the nonfinal office action was not received from the PTO.

4. As an attorney of record for the above-identified pending U.S. patent application, I attest that the nonfinal office action was not received from the PTO. Further, I attest that I have performed a search of the file jacket and all of its contents. The results of the search revealed that the nonfinal office action was not in the file jacket. This further indicates that the nonfinal office action was not received from the PTO.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application for any patent issuing thereon.

Date: April 12, 2006
Telephone: 214.953.6509


BARTON E. SHOWALTER

CUSTOMER NO. 05073

TAB 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,348	05/25/2000	Christopher E. Pearce	062891.0405	7459

5073 7590 03/21/2006

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2668

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Docket ☒ Wrapper ☒

RVF Docketed _____

Reference(s) _____

Notice of Abandonment

Application No.

09/579,348

Examiner

Hanh Nguyen

Applicant(s)

PEARCE ET AL.

Art Unit

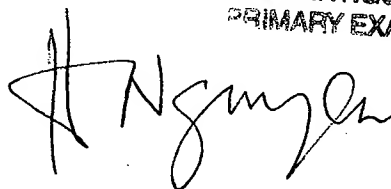
2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 13 August 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

HANH NGUYEN
PRIMARY EXAMINER



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TAB 3

Country Application

23-Jan-04

File Number: 062891.0405

Country: US **SubCase:**

United States of America

Case Type: ORD Ordinary Filing

Application Status: Pending

Application Number: 09/579348

Filing Date: 25-May-2000

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Priority Number:

Priority Date:

Tax Schedule: LE

Expiration Date:

Annuity Client: ☒

Tax Start Date:

Client Reference: EVBU 1880

Claims: 53

Agent:

Agent Reference Number:

List Of User Actions

Action(s) Du	Due Date		Action Taken
Application Mailed	21-May-2000	Due Date	25-May-2000
2 Month Missing Parts	03-Aug-2000	Due Date	03-Aug-2000
Assignment Recorded A	24-Aug-2000	Due Date	24-Aug-2000
Information Disclosure Stmtnt	25-Aug-2000	Reminder	25-May-2000
Filing Receipt Received	05-Sep-2000	Due Date	05-Sep-2000
Assignment	03-Oct-2000	Due Date	21-Aug-2000
Oath/Declaration	03-Oct-2000	Due Date	21-Aug-2000
Decision/No Foreign Filing	20-Nov-2000	Due Date	20-Nov-2000
Per Robert Barr's E-mail.			
6 Mo. Foreign Filing Reminder	25-Nov-2000	Due Date	17-Nov-2000
Oath/Declaration Deadline	03-Feb-2001	Final	21-Aug-2000
Application Status Check	25-Nov-2001	Due Date	14-Dec-2001
First OA expected 11/02			
Information Dis Follow Up Date	25-Nov-2002	Due Date	
Request for Status Filed	01-Dec-2002	Due Date	03-Dec-2002
Request for Status Filed	17-Apr-2003	Due Date	18-Apr-2003
Status Reply Letter Dated 12/17/02: It will be 3 months before application is examined.			
Follow Up Request for Status	03-May-2003	Due Date	17-Dec-2002

Country Application

23-Jan-04

Follow Up Request for Status	18-Sep-2003	Due Date	05-Jun-2003
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Status Reply Letter Dated 12/17/02: It will be 3 months before application is examined.

Request for Status Filed	01-Dec-2003	Due Date	23-Dec-2003
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Expected date of first OA is 11/2003.

Follow Up Request for Status	23-May-2004	Due Date	13-Jan-2004
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Expected date of first OA is 11/2003.

Request for Status Due	13-Aug-2004	Due Date	
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Expected date of first OA is 7/13/04.

Remarks:

User ID: KLangfor

Date Created: 21-Feb-2000

Last Update: 07-Jun-2000

TAB 4

10/31/2004	Due Date	US-2 Month Missing Parts Assignment	US					Pending
		Remarks:						
11/3/2004	Final	US-Final Office Action 6 Month Final Date	US					Pending
		Remarks:						
11/5/2004	Due Date	US-File Application File Application	US					Unfiled
		Remarks:						
11/6/2004	Reminder	US-Notice of Appeal Filed 1 Month Reminder/Appeal Brief	US					Appealed
		Remarks:						
11/6/2004	Due Date	US-3 Month Office Action 4 Mo. Response Status Check	US					Pending
		Remarks:						
11/12/2004	Due Date	US-Power of Attorney Due Power of Attorney Due	US					Pending
		Remarks:						
11/13/2004	Reminder	Review for Broad Reissue Review for Broad Reissue	US					Granted
		Remarks:						
11/13/2004	Due Date	US-Application Mailed Application Follow Up Date	US					Pending
		Remarks:						
11/16/2004	Due Date	US-3 Month Office Action 3 Month Due Date	US					Pending
		Remarks:						